

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 17, 2003

Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Gray, Lambke, Martz, Schlapp present. Council Member Fearey absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Rev. David McCann, pastors the Westwood Presbyterian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of June 10, 2003, were approved 6 to 0. (Fearey absent)

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

UNFINISHED BUSINESS

CON2003-00008 **CON2003-00008 – CONDITIONAL USE FOR A WIRELESS COMMUNICATION FACILITY ON PROPERTY ZONED LIMITED COMMERCIAL – SOUTH OF KELLOGG, EAST OF WOODLAWN – 6603 EAST KELLOGG. (District II)**

Dale Miller Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0550A

MAPC Recommendation: Approve, subject to staff recommendation, except that lighting of the flag is permitted. (12-1)

D.A.B. Recommendation: Approve, subject to staff recommendation. (5-3)

Staff Recommendation: Approve, subject to conditions.

The applicant is seeking a Conditional Use to permit the construction of a stealth flagpole tower for use by Cricket Communications. The applicant proposes an initial height of 135 feet with provisions to extend the height of the tower to 165 feet. The proposed site is zoned "LC" Limited Commercial. Wireless Communication Facilities over 85 feet in height in the "LC" Limited Commercial zoning district may be permitted with a Conditional Use.

The applicant indicates that the proposed wireless communication facility is needed for Cricket Communications to provide improved wireless telephone capacity along Kellogg. The applicant indicates that they evaluated using the existing tower at Carriage Parkway, and that it does not meet their communication needs. The applicant also indicates that they pursued constructing a tower on the VA Hospital property, but that the time required to negotiate a lease was too long to meet their needs. The applicant also indicates that they evaluated locating their antennas on existing hotel buildings in the vicinity and that these locations do not meet their communication needs and are significantly more costly than the proposed tower. Finally, the applicant indicates that they evaluated reducing the height of the proposed tower to 85 feet and that the lower height does not meet their communications needs.

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The proposed tower would be sited on a 2,280 square foot area located 100 feet south of Kellogg Drive and 600 feet east of Woodlawn. Access to the site is proposed via an existing gravel parking lot for a veterinary clinic located on the parent tract. The applicant's site plan depicts a 38-foot by 60-foot compound enclosed by a 10-foot high solid screening fence with the tower and the initial ground-level equipment shown in the western portion of the compound. Future areas for ground-level equipment are proposed for outside the fenced compound. Per Section IV-B.3.b. of the Unified Zoning Code, screening of future areas for ground-level equipment will be required since the equipment is proposed to be located less than 150 feet from public right-of-way.

Since the tower is proposed to be disguised as a flagpole, the communication antennas will be mounted inside the pole and will not be visible. Also, a United States flag is proposed to be mounted to the pole, and the applicant proposes to display the flag at all times, which will require lighting the flag at night. Section III-D.6.g.(5) prohibits nighttime lighting of a wireless communication facility except for aircraft warning lights. Therefore, the City Council would need to approve an exception to the supplementary use regulation pertaining to tower lighting for the applicant's proposal to light the flag to be permitted. Another alternative would be to display the flag only during the day, which would alleviate the need to light the tower. This alternative is recommended by planning staff in order to prevent lighting of the flagpole from having a negative visual impact on surrounding residential properties.

The character of the surrounding area is a mixture of commercial and residential uses along the Kellogg corridor, with commercial uses located south of Kellogg and residential uses located north of Kellogg. The properties located east, west, and south of the subject property are zoned "LC" Limited Commercial and are used for vehicle sales. The properties north of the subject property across Kellogg are located within the City of Eastborough and are used for single-family residences and recreational uses.

At the MAPC hearing on April 24, 2003, several citizens spoke against the request citing concerns with the negative visual impact of the tower, the proximity to residential areas, the proximity to recreational facilities, the height of the proposed tower, and the lack of evidence regarding the ability to use an existing structure rather than building a new tower. The MAPC voted (11-1) to recommend approval of the request subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met, except as otherwise provided in Item D.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a "stealth flagpole" design that is in general conformance with the approved elevation renderings. Antennas or other communication equipment shall not be visible on the exterior of the stealth flagpole.
- D. The flag shall be lighted only at night.
- E. The support structure shall be 135 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 165 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The applicant shall obtain FAA approval regarding "objects affecting navigable airspace" and "impacts to terminal instrument procedures" for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
- G. Any future ground-level equipment located outside the fenced compound shall be screened in accordance with a revised site plan that must be approved by the Planning Director prior to the issuance of a building permit.
- H. The site shall be developed in general conformance with the approved site plan and elevation renderings. All improvements shall be completed before the facility becomes operational.
- I. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

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- J. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Since the MAPC recommended lighting the tower other than for aircraft warning purposes, City Council consideration of the Conditional Use request is required. The City Council can waive or modify a Supplementary Use Regulation of the Unified Zoning Code, such as the "no lighting except for aircraft warning purposes requirement" for towers, upon receiving a favorable recommendation from the MAPC.

At the DAB meeting on May 5, 2003, several citizens spoke against the request citing the same concerns expressed at the MAPC hearing. The DAB voted (5-3) to recommend approval of the request subject to the recommendation of staff, which removes Condition D from and modifies Conditions A and C of the MAPC recommendation as follows:

- A. All requirements of Section III.D.6.G. of the Unified Zoning Code shall be met.
C. The support structure shall be a "stealth flagpole" design that is in general conformance with the approved elevation renderings. Antennas or other communication equipment shall not be visible on the exterior of the stealth flagpole. The flag shall not be displayed at night. The flag and flagpole shall not be illuminated.

Subsequent to the DAB meeting, two appeals of the Conditional Use request were received. One appeal is from the City of Eastborough, and the other appeal is from Alan Joseph, an Eastborough resident. When an appeal of an MAPC decision regarding a Conditional Use request is filed within 14 days of the public hearing, the MAPC decision becomes a recommendation and the final decision on the Conditional Use request must be made by the City Council.

On May 20, 2003, the City Council considered the Conditional Use request. The action of the City Council was to send the request back to the MAPC and, if necessary, the DAB for reconsideration of the recommendation. Specifically, the City Council requested that the MAPC and, if necessary, the DAB address the following issues:

1. Are other structures or buildings that have been suggested by staff and the public available for location of some or all of the antenna needs of the applicant? Could multiple shorter towers or flagpoles that do not have the same visual impact on the surrounding neighborhoods meet some of the applicant's needs?
2. If a facility disguised as a tall flagpole were to be approved, what conditions should be considered for the display of any type of flag on such a flagpole?
3. Is the City adequately protected in the event the applicant (or other users) are financially unable to maintain the facility?

The applicant has submitted a letter dated May 26, 2003, which addresses the issues raised by the City Council. Planning staff also addressed the issues raised by the City Council on May 29, 2003.

The MAPC reconsidered the request on Thursday, June 5, 2003. At the MAPC hearing numerous citizens spoke against the request and stated numerous concerns and questions as stated in their correspondence. The MAPC voted (12-1) not to change the previous recommendation of approval subject to the same conditions, including allowing lighting of the flag at night.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Schlapp moved that, after review of the record from the MAPC's reconsideration of this item, along with the record from the original hearing, and additional information in the record or that I have identified, the application be denied. This is based upon the following findings:

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1. The Wireless Plan encourages the use of concealed or disguised structures such as flagpoles, and the Council appreciates the efforts to minimize the impact of this proposed facility. The visual impact of a 130 to 165 foot pole with the diameter necessary to conceal wireless facilities and which may fly a very large flag, however, is still significant and is beyond the impact of current structures in this area. Even with a disguised structure, the proposal is not compatible with the use and character of the neighborhood.
2. This commercial area is surrounded by established residential neighborhoods and is a major traffic corridor for those residents and visitors traveling to and through our City. Extensive beautification efforts have been undertaken with the Kellogg freeway project and the park in Eastborough. The negative visual impact of either a tall tower or a large flagpole on the surrounding residential properties and the Kellogg corridor has to be considered. The pole will be visible to residential neighborhoods and recreational areas and will impact residential properties surrounding the site. This visual impact would be even further exacerbated if the flagpole or flag were to be illuminated at night. The removal of current restrictions will detrimentally affect nearby property.
3. The proposed facility does not conform to the design guidelines of the Wireless Plan for new facilities. It fails to preserve the pre-existing character of the area. It fails to minimize the height, mass, proportion, or silhouette of the facility. Even as the applicant has stated in public meetings, for example, the proposed stealth flagpole would be 30% - 50% taller and two to three times larger in diameter than existing flagpoles in the area.
4. The proposed facility does not conform to the location guidelines of the Wireless Plan. The proposal is for a new structure rather than utilizing existing tall structures where antennas for this area could be placed. Specific existing structures and locations have been suggested as alternatives by Planning Staff and the public. These include, for example, other sites, existing buildings, and replacing existing flagpoles with shorter towers or disguised flagpoles. While certain alternative building locations may not fully serve the needs of the applicant, the applicant has not demonstrated satisfactorily the unavailability or unsuitability of all of the alternative locations, buildings, or structures. The applicant also has not demonstrated satisfactorily that adequate space is not available on existing or approved facilities.
5. The proposed facility does not conform to the structural design and co-location guidelines of the Wireless Plan. The applicant has confirmed that multiple shorter towers or stealth flagpoles could be used to meet the applicant's communication needs. The applicant has not demonstrated satisfactorily that multiple shorter towers would not substantially meet its needs while reducing the negative impact on nearby property.
6. The proposed facility does not conform to the co-location guidelines of the Wireless Plan. The record shows that even if the applicant's proposed structure were constructed, other applications for wireless facilities are likely to be made in this area in the future. The applicant has not satisfactorily demonstrated that it has worked with other carriers to provide for co-location on its facility or other facilities in order to avoid having a proliferation of support structures that are not fully utilized.
7. There is overwhelming opposition to the proposal. The opposition is illustrated in the comments at hearings before the DAB and MAPC, in the appeals filed with the City Council, and in communications to MAPC, City Staff, and Council members. It has come from individuals and neighborhood groups in both the City of Wichita and the City of Eastborough, as well from the City of Eastborough itself. It has come from neighbors as well as from those who live further away but use the Kellogg freeway. The comments have expressed general opposition as well as constructive suggestions on how communication needs of the applicant could be met. This neighborhood opposition, when considered with the other findings, provides support for the denial of the application. Many comments also suggest to me that it is time to review the current Wireless Plan to determine whether it continues to meet the needs of both carriers and neighbors.
8. The applicant seeks to minimize the detrimental impact of the proposed structure by suggesting that the neighborhood is already impacted by the lighting and noise of existing commercial development. The impact of this application would be more than noise or lighting, it is the total visual impact of a tall pole that is out of character for the neighborhood. The City Council is not required to let a situation get worse.
9. This application is the third attempt to place a wireless facility at this location as outlined in the Staff Report. The Council is also aware of the record of the previous Conditional Use application that was withdrawn by the applicant, and the applicant's efforts to get a building permit for a memorial pillar that was denied by the Zoning Administrator and BZA. All three proposals involve a wireless facility that is higher than is allowed by administrative permit under the Wireless Plan.

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10. Upon review of the total record, we find that the relative gain to the public health, safety and welfare by a denial of this application as compared to the loss in value or the hardship imposed upon the applicant, requires a denial of the application. The applicant has other less detrimental alternatives it can pursue to enhance its wireless services in this area.

-- carried

Motion carried 4 to 2. Lambke, Mayans – No. (Fearey absent)

OFF AGENDA ITEM WIRELESS COMMUNICATION MASTER PLAN REVIEW

Motion --

-- carried

Schlapp moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried 6 to 0. (Fearey absent)

Council Member Schlapp Council Member Schlapp stated that a Wireless Communication Master Plan was developed and adopted in August of 2000 by the City and County. "As I have witnessed recently, there are still issues that exist between the needs of wireless providers and the concerns of citizens for the safety and appearance of their neighborhoods. I have heard comments from both Staff and the public that some of the provisions of the Plan need to be reviewed. I also have questions about some of the provisions of the Plan."

Motion --

-- carried

Schlapp moved that a Council Workshop be scheduled at a convenient time to brief the Council on the current Wireless Plan and its potential problems. Part of the discussion at this Workshop would be whether a study is needed for all or part of the Plan and whether a moratorium should be imposed as part of the study. The City Manager can advise whether Staff should handle the Workshop or if any outside consultant needs to be brought in. Motion carried 6 to 0.

NEW BUSINESS

STATE OFFICE BLDG. WICHITA PUBLIC BUILDING COMMISSION REVENUE REFUNDING BONDS – STATE OFFICE BUILDING PROJECT.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 03-0365

Starting in 1990, the City of Wichita and Sedgwick County worked together to consolidate eleven State agencies into one office complex located in the downtown area, in the former Dillard's department store building at Broadway and William. On January 20, 1993, City Council authorized the Wichita Public Building Commission ("PBC") to issue Revenue Bonds in the amount of \$18,620,000, for the purpose of acquiring, constructing, furnishing and equipping the old Dillard's facility and related parking facilities for use by the State of Kansas to consolidate all State offices to downtown Wichita.

The City and the County negotiated a lease agreement between the State of Kansas and the PBC ("State Lease"), providing a schedule of building lease payments, operating lease payments and parking payments that are fixed for the full 20-year term of the lease. To enhance the credit of the PBC bonds, the City and County also entered into a "wrap-around" lease agreement with the PBC ("City/County Lease"). The City/County Lease committed the City and County to cover any shortfall in State Lease revenues available to make debt service payments on the PBC bonds or to pay for operating expenses during the first five years of the State Lease term. Because the PBC bonds were issued prior to the bidding of the construction work, the City and County also committed to sharing any project costs that exceeded funds available from the PBC bond issue.

At completion of the project, total costs exceeded the amount of PBC bonds by approximately \$7.2 million, with the City's share being approximately \$4.5 million and that of the County being approximately \$2.7 million. These funds were needed primarily to complete the construction of the structured and surface parking facilities and to acquire the former State Office Building at Douglas and Rutan. Also, during several of the early years of the lease term, the City and County paid an amount totaling \$239,000, in equal shares, to cover debt service shortfalls. The shortfalls were due to the fact

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that construction problems caused a delay in occupancy of the new facility by State agencies, which in turn caused scheduled increases in lease revenues to no longer match increases in debt service payments.

The PBC is requesting the City of Wichita now approve the issuance of Public Building Commission Revenue Refunding Bonds, in an amount not-to-exceed \$16 million, to allow the PBC to refinance the 1993 PBC Bonds in order to realize debt service savings. The refunding bond proceeds will be used primarily to redeem currently outstanding bonds and pay costs of issuance. The refinancing will result in lowering the average interest rate on the bonds by approximately two full percentage points. Since the refunding of the PBC bonds does not effect the State Lease payments, this refinancing creates the opportunity to capture a significant amount of surplus revenues over the remaining eleven-year term of the State Lease.

The proposed refinancing of the PBC bonds is intended primarily to eliminate the possibility of any future debt service shortfalls. Preliminary estimates from the bond underwriters indicate that the recommended refunding structure will also generate total surplus cash flow over the remaining term of the State Lease of approximately \$1.5 million, with approximately \$1.2 million available as early as October 2004, another \$250,000 a year later, and smaller residuals during the remaining years of the bond issue.

Under the terms of the City/County Lease agreement, funds held by the bond trustee which are not needed for debt service payments are to be remitted to the City and County in proportional amounts based on the investment each party has made in the State Office Building project over the years. City and County staff have analyzed the projected cash flows and recommend that the refunding issue be structured in a manner that allows the maximum amount of surplus cash flow to be captured at the earliest opportunity.

City and County staffs are recommending approval of a formula for distributing the surplus cash flow from the State Lease between the City and County. If approved by the governing bodies, this formula will be included in a joint Letter of Instructions to the Bond Trustee:

- (1) From the surplus funds available on the earliest distribution date, that the City and County first be reimbursed for the full amount paid by each to cover debt service shortfalls: \$119,645.83 for the City of Wichita and \$119,648.42 for Sedgwick County.
- (2) The amount of \$550,000 would then be paid to the City to cover the cost of Bombardier Learjet incentives the City and County have agreed to share equally, but will be implemented by the City.
- (3) The amount remaining thereafter would be distributed to the City and County in the proportion of each party's financial contribution to the State Office Building project: 62.22% for the City and 37.78% for the County.

Based on the terms negotiated by City and County staff, the City will receive approximately \$835,000 and the County \$665,000 in financial benefits over the term of the refunding bond issue, based on preliminary underwriter estimates. The State will also enjoy a savings of approximately \$173,000 due to lowered rent payments that result from the reduction in PBC bond payments.

The firm of Hinkle Elkouri Law Firm, L.L.C., has drafted the bond documents necessary to complete the financing transaction. The documents have been reviewed by the Law Department and approved as to form. In addition to approving documents containing administrative and procedural provisions relating to the issuance of PBC refunding bonds, there is a substantive change to the City/County Lease. Under the amended City/County Lease, the City and County will no longer be required to make any payments to the bond trustee in the event funds on hand are not sufficient to pay the full amount of principal and interest owed on the bonds (although a "moral" obligation is implicit in any revenue bond issue).

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard.

Inaudible

Spoke against approving additional betterments for Boeing or aircraft industries, and suggested more time and money be spent on developing other industries.

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Motion --

Mayans moved that the Ordinance authorizing the redemption of the 1993 PBC Bonds be placed on first reading; the amendments to the City/County Lease Agreement and the formula for sharing surplus revenues with Sedgwick County be approved; the execution and delivery of a Supplemental Lease Agreement, a Tax Compliance Agreement, a Letter of Instruction and other necessary documents, all in connection with the issuance of Wichita Public Building Commission Revenue Refunding Bonds in the amount not-to-exceed \$16 million, and the necessary signatures be authorized. Motion carried 6 to 0.

-- carried

(Fearey absent)

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the optional Redemption of the Wichita Public Building Commission, Series H, 1993 (State Office Building Project) Bonds; authorizing the execution and delivery of a supplemental City-County Lease Agreement and Tax Compliance Agreement in connection with the issuance by the Wichita Public Building Commission of its Revenue Refunding Bonds, Series N, 2003, (State Office Building Project), introduced and under the rules laid over.

GO BONDS/NOTES

GENERAL OBLIGATION BOND SALE (SERIES 774 AND 775); REFUNDING GENERAL OBLIGATION BOND SALE (SERIES 2003A; AND GENERAL OBLIGATION TEMPORARY NOTE SALE NOTE SALE (SERIES 208 AND 209).

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 03-0636

The City is planning to offer for sale two series of general obligation temporary notes totaling \$118,310,000, two series of general obligation bonds totaling \$25,395,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City, and one series of refunding general obligation bonds totaling \$14,670,000. The public sale of the bonds and notes is scheduled for 10:30 a.m. on July 15, 2003, at which time sealed bids will be opened and the City Council will award the sale of bonds and notes to the bidders whose proposed interest rates result in the lowest overall cost to the City.

City of Wichita Ordinance Nos. 41-936, 42-990 & 43-170 authorized the issuance of \$6,395,000, \$6,650,000 & \$11,525,000, respectively, in General Obligation Bonds (Series 731 dated February 1, 1993, Series 741 dated February 1, 1996 and Series 744 dated August 1, 1996). All bonds still outstanding as of September 1, 2003, are eligible for redemption and payment prior to their respective maturities as set forth in Section 3 of the respective Bond Ordinances.

The City's Summer 2003 general obligation bond and note sale includes the following issues:

Temporary Notes: The proceeds from the sale of the Series 208 Temporary Improvement and Renewal Notes will be used to provide six month interim financing for the following various categories of City-at-large and improvement district projects:

Series 208

<u>Project Category</u>	<u>Total</u>
Arterial Paving	\$ 2,763,000
Bridges	29,000
Traffic Engineering	275,000
Public Improvements	3,974,000
Park	26,000
Neighborhood Improvements – Water	2,559,350
Neighborhood Improvements - Sewer	6,573,450
Neighborhood Improvements - Storm Sewer	3,006,000
Neighborhood Improvements – Paving	12,027,000

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Storm Water Utility	225,900
Freeways (new)	<u>21,851,300</u>
TOTAL SERIES 208 NOTES	\$73,310,000

Temporary Notes: The proceeds from the sale of the Series 209 Temporary Improvement and Renewal Notes will be used to provide three month interim financing for the following category of City-at-large projects:

Series 209

<u>Project Category</u>	<u>Total</u>
Freeways (renewal)	<u>\$45,000,000</u>
TOTAL SERIES 209 NOTES	\$45,000,000

“Special Assessment Bonds”: The proceeds from the sale of the Series 774 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 774 Bonds. The Special Assessment Bonds will be issued in the par amount of \$12,395,000.

“City-At-Large Bonds”: The proceeds from the sale of Series 775 Bonds will be used to permanently finance certain City-at-large projects, including arterial streets, bridges, public improvements and buildings, park improvements, and a neighborhood-paving project. The City-at-large Bonds will be issued in the total par amount of \$13,000,000.

“Refunding Bonds”: State and federal law permits local governments to issue refunding bond which replace previously issued and currently outstanding bonds. If the bonds being refunded are currently callable, they can be refunded with “current refunding” bonds, without limitation as to the number of times the original bonds have been refunded. If the bonds being refunded are not currently callable, they can only be refunded with “advance refunding” bonds. Tax-exempt bonds originally issued after the effective date of the 1986 Tax Reform Act can only be advance refunded once. The Series 731, 741 & 744 Bonds have not been refunded previously and because the bonds are callable, the bonds qualify for a current refunding at this time.

Staff has investigated the savings potential from a current refunding of all of the Series 731, 741 & 744 Bonds and has determined that significant savings in debt service costs can be obtained. Based on current bond market conditions, it is estimated that approximately \$1.35 million in debt service costs can be saved, with a present value of approximately \$1.31 million. A minimum of thirty days notice of the City’s intent to call the outstanding bonds prior to their stated maturities must be given to all bond holders and Material Event Notices must be sent to the Nationally Recognized Municipal Securities Information Repositories (NRMSIRs) and the Municipal Securities Rulemaking Board (MSRB).

Beginning in 2001, the sale of bonds and notes has been awarded based on the bid with the lowest True Interest Cost (TIC). Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments.

The Series 208 Temporary Notes will mature on February 19, 2004 and will be retired using the proceeds of both permanent financing bonds and renewal notes. The Series 209 Temporary Notes will mature on November 20, 2003 and will be retired using the proceeds of permanent financing bonds.

The Series 774 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 774 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from citywide ad valorem taxes. The Special Assessment bonds will be callable in 2010 with a 1% call premium.

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Series 775 City-at-large bonds will mature serially over 10 years in equal principal amounts and will be paid as to principal and interest primarily from citywide ad valorem tax revenues. The City-at-large bonds will be callable in 2008 with a 1% call premium.

The Series 2003 Refunding Bonds will mature over the next eight years (2004-2011) with principal maturities structured to produce up front savings and positive savings in all future years. The 2003 principal payments will be made as scheduled. The Series 2003 Refunding Bonds will not be callable.

The Law Department has approved the Resolutions authorizing the sale of the series of bonds and notes and will direct the publication and distribution of the Notices of Bond and Note Sale (prepared by the City's Bond Counsel as required by law).

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- Mayans moved that the Resolutions authorizing the general obligation bond and note sales be adopted; submittal of the Preliminary Official Statement upon completion, be approved; and publication of the Notices of Sale, be authorized. Motion carried 6 to 0. (Fearey absent)
-- carried

RESOLUTION NO. 03-311

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of General Obligation renewal and improvement Temporary Notes, Series 208, General Obligation Renewal Temporary Notes, Series 209, General Obligation Bonds, Series 774 and Series 775 and General Obligation Refunding Bonds, Series 2003A, of the City; and providing for the giving of notice of the public sale, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayan.

SUBDIVISION FEES AMENDMENT OF ORDINANCE ESTABLISHING FEES FOR SUBDIVISION APPLICATIONS AND PROCEEDINGS.

Ray Trail Director of Finance reviewed the Item.

Agenda Report No. 03-0637

Section 2.26.030 of the City Code establishes the fees for the purpose of defraying costs of subdivision applications and proceedings.

Current fees for platting, replatting and other related services performed by City staff do not include a fee for offsetting the expense associated with maintaining and moving special assessments on property being replatted. The amount of time required to maintain replatted properties can be quite substantial based on the number of lots being replatted and the number of projects associated with the lots. Consulting engineers currently doing business with the City will be notified by mail of the fee for respreading specials due to a replat of a subdivision or part of a subdivision. In many cases, one large unplatted tract is platted into multiple residential lots. The average number of lots that are replatted into residential parcels is 47. These lots typically have at least 2 existing specials. Given these two averages, it would cost the developer approximately \$560.00 to respread the specials onto the replatted lots. Historic trends indicate that these fees could generate an average of \$6,500 per year.

The proposed fee structure will help defray the costs associated with replatting special assessments.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- carried Mayans moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Fearey absent)

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ORDINANCE

An Ordinance Amending Section 2.26.030 Of The Code Of The City Of Wichita, Kansas, Pertaining To Fees For Subdivision Applications And Proceedings And Repealing the Original Of Said Section, introduced and under the rules laid over.

FAÇADE WAIVER

WAIVER OF FAÇADE PROGRAM GUIDELINES. (District II)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 03-0638

On March 20, 2001, the City Council approved a downtown Façade Improvement Program designed to encourage building owners to improve their buildings and to enhance the visual aesthetics of the downtown business area. The Façade Program offers low-cost loans to as incentives for businesses to improve their property. The program provides low interest, fifteen-year loans for façade renovation for owners and tenants for buildings with frontage on Douglas Avenue (from Seneca to Washington). City assistance is in the form of a five-year forgivable loan up to \$15,000 per visible façade for a maximum of two building sides, or 25% of the project cost, whichever is lower. Under the program, the owner finances the remainder of the project cost through a fifteen-year special assessment. To qualify for the program, the owner must sign a special assessment petition and a façade easement in favor of the City for the term of the special assessment and agree to maintain the facade.

On March 25, 2003, the City Council revised the program to permit more than two facades to be renovated for high-rise buildings meeting certain guidelines. Under these guidelines, the forgivable loan is not available.

The owner of the Century Plaza Building at 111 West Douglas has requested that the recently adopted (March, 2003) guidelines be waived to allow him to utilize the original guidelines so that he can renovate more than two facades and also receive the (not to exceed) \$30,000 forgivable loan. The owner feels that he should be given the waiver inasmuch as his application was originally submitted prior to the enactment of the high-rise building guidelines. The original guidelines stated:

“The City assistance is in the form of a five-year forgivable loan up to 25% of the project cost, if the owner maintains the facade. The maximum City of Wichita assistance (forgivable loan) is \$15,000 (or 25% of the total project cost, whichever is lower) for one facade. Up to \$30,000 (or 25% of the total project cost, whichever is lower) is available for a corner building with two visible facades on Douglas Avenue. The owner finances the remaining 75% of the facade improvement through a fifteen-year special assessment against the real property. when the loan is repaid, the facade easement will be released.”

The City Council has several options, including:

- 1) Grant a waiver to the owner of the 111 West Douglas property based on the fact that he originally applied (but did not fully complete the application process) prior to March 25, 2003 revisions to the guidelines; or
- 2) Reject the request for waiver requiring compliance with the current guidelines.

The owner of the Century Plaza Building estimates the renovation work will cost approximately \$50,000 per facade. Funding for this program was approved in 2002.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Brewer moved that the waiver be granted and the application (as submitted prior to the adoption of the current guidelines) be approved on the condition that all work will meet the current guidelines requirements and that any and all payments due the City shall be current, be approved. Motion carried 6 to 0. (Fearey absent)

-- carried

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HPB APPEAL

APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 128 AND 132 NORTH MOSLEY. (District VI)

Dale Miller

Acting Director of Planning reviewed the Item.'

Agenda Report No. 03-0639

In November 2001, the Historic Preservation Office submitted a grant request to the State Historic Preservation Office requesting funding to hire a preservation consultant to write national register nominations for the Bitting, Park Place/Fairview, Topeka/Emporia, and East Douglas Historic District, and the Old Town Overlay Zoning District. This proposal was approved by City Council and funded by the State Historic Preservation Office. Because of the length of time for the project to be completed, an Old Town property owner elected to hire a consultant to prepare the National Register nomination for the Old Town District, identified as the Wichita Historic Warehouse and Jobbers District. This nomination was submitted earlier this spring and the Kansas Historic Sites Board of Review approved the nomination for state register listing on May 10, 2003 and forwarded the nomination to the National Park Service for inclusion in the National Register of Historic Places

Earlier in the year, for another project located in the Old Town district, City staff requested the SHPO to write a letter to the National Park Service requesting that the district identified as the Wichita Historic Warehouse and Jobbers District be designated as a Certified Local District for the purpose of meeting the requirements of the Tax Reform Act of 1986. As part of the documentation for the request, a draft of the National Register nomination was provided. The nomination includes the identification of contributing or non-contributing status for all structures within the district. By definition, those structures that are contribution are historically significant and maintain their architectural integrity. The Secretary of the Interior did certify the district as substantially meeting all the requirements for listing in the National Register of Historic Places.

As a contributing structure in either a designated Certified Local District or a designated State/National Register Historic District, the property owner is eligible to apply for a 20% Federal Historic Income Tax Credit and a 25% State Historic Income Tax Credit for certified rehabilitation of the structure. It was for these two financial incentives that the requests for these designations were made.

The Historic Preservation Board was requested to consider the demolition of 128 and 132 N. Mosley, known as the Kansas Paint Company and historically identified as the Grant Miller Broom Corn Company (128 N. Mosley) and Martin Metal Manufacturing Company (132 N. Mosley), as an off agenda item. The demolition of the structures is for creating an additional surface parking lot within the Old Town district. The board voted to add the item to the agenda and consider for discussion. The board did decide to take action after hearing staff comments and comments from Mr. George Laham. Mr. Laham is involved in a partnership with the City of Wichita to demolish these structures in order to create surface parking lot.

By a 5-0 vote, HPB denied the demolition of the two buildings, which are identified as contributing structures in the Wichita Historic Warehouse and Jobbers District (see excerpt from the National Register nomination).

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications for all properties individually listed or listed in historic districts in the state/national register of historic places. The Council has review authority over the decision of the Historic Preservation Board, as provided for in K.S. A. 75- 2724 and the City Code Section 2.12.1023(c), and (f). In order for the City Council to overturn the decision of the HPB, all relevant factors must be considered and must find there is no "feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use."

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George Laham

Developer said the building was purchased in September of 2002, and marketing has begun. Due to the chemical nature of the building, there has been little interest shown. The major interest in the property has been from Old Town business interests. All individuals have expressed a desire for the site to be public parking. Allied Environmental has studied the environmental hazard materials, demolition, renovation, and redevelopment components of the building. The building cannot be used for health care, child care, or food services – even after renovation.

Some of the issues are removal of hazardous material while maintaining structural integrity. Removal of the tanks in the basement would require 80 percent of the building be removed.

Costs of demolition and environmental cleanup would be passed to the City when City acquisition is made.

Paul Clark

Allied Environmental said the facilities were used to manufacture paint. The building exterior is 100 percent layered asbestos. Over time, the asbestos will delaminate and break down – and become friable.

Mr. Clark showed slides and reviewed the condition of the building.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Mayans moved that the Council determine, after consideration of all relevant factors, that there is no feasible and prudent alternative to the proposed demolition of the Kansas Paint building located at 128-132 North Mosley; that the proposed demolition includes all possible planning to minimize harm to the Old Town historic district resulting from such demolition; and that the City Attorney be directed to prepare more detailed findings of fact in support of this determination and submit them for adoption by the Council at the next regular meeting. Motion carried 6 to 0. (Fearey absent)

-- carried

HPB APPEAL

HPC2003-07 - APPEAL OF HISTORIC PRESERVATION BOARD ACTION REGARDING DEMOLITION OF 221 NORTH MARKET. (District VI)

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0640

Staff Recommendation: Uphold the decision of the Historic Preservation Board to take no action to rescind the approval for demolition of the structure located at 221 North Market

Mr. Greg Kite, president of the Historic Preservation Alliance of Wichita & Sedgwick County requested that the HPB convene a special meeting to reconsider an action taken by the Historic Preservation Board on January 13, 2003, regarding the demolition of the property located at 221 N. Market. The HPB meeting was conducted on May 27, 2003 in the 10th Floor Committee Room. A motion was made to rescind the January 13, 2003 action of the board approving the demolition of the structure. The motion failed in a 3-3-tie vote, triggering this appeal.

The Sedgwick County Law Library and the Wichita Bar Association appeared before the Historic Preservation Board on January 13, 2003 requesting to be heard on an off agenda item, which is allowed by the HPB bylaws, Article III Section 2. There is no legal requirement for public notice for cases of this type. The request was for the board to make a ruling regarding the demolition of the structures located at 219 and 221 N. Market, which are located within the environs of the Lassen Hotel located at 155 N. Market and the Occidental Hotel located at 300 N. Main. The applicants were seeking the demolition of this building to provide four additional parking spaces for the Law Library.

The HPB elected to add the item to the agenda and make a finding on the request. The applicants were considering the purchase of the properties located at 219, 221, and 225 N. Market contingent upon the demolition approval by the HPB of the 219 and 221 structures. In addition to being located within an

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environs area, the building located at 221 N. Market is listed in the City's Undesignated Historic Resource List adopted by City Council in September 1998. The Undesignated Historic Resource Lists indicates that the building is eligible for nomination to one or more historic registers.

By a 4-0-1 vote, HPB approved the demolition of the two buildings with the condition that the 221 N. Market building be photo documented and that written documentation be provided regarding cost of leasing additional parking spaces from adjacent lots. The requested information has been provided. Based on the decision of the HPB to allow the demolition, the applicant executed contracts for the purchase of the three structures.

Mr. Kite is appealing the board decision based on the fact there was no public notice given regarding the consideration of the demolition of 221 N. Market and that the building is eligible for listing in local, state, and national registers of historic places.

The HPB has a programmatic agreement with the State Historic Preservation Office to review applications submitted within the "Environs" of a State or National Register listed property. The Council has review authority over the decision of the Historic Preservation Board, as provided for in the State's "Environs" legislation which allows the Council to uphold the HPB's decision on the basis there is not a more prudent or feasible alternative to the demolition, or the Council could find that there are alternatives to the demolition and overturn the HPB's decision. The review is on the record that was presented to the Board.

Motion --

Mayans moved that the Council find that the decision of the Historic Preservation Board on May 27th, 2003, refusing to rescind its prior action approving a certificate of appropriateness for the demolition of the Fidelity Title building was proper and is affirmed by the Council. I further move that the Council find that the record before the Historic Preservation Board in connection with this matter fully supports a determination that there is no feasible and prudent alternative to demolition of the Fidelity Title building and that the proposed demolition of that building includes all possible planning to minimize harm to the environs of the historic structures within 500 feet of the Fidelity Title building. Motion carried 6 to 0. (Fearey absent)

-- carried

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES:

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 03-0641

On May 6, 2003 a report was submitted with respect to the dangerous and unsafe conditions on three (3) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on June 17, 2003.

On April 7, 2003, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 617 North Grove	I
b. 932 North Ohio	I
c. 2027 North Grove	I

Pursuant to State Statute the Resolutions were duly published twice on May 9, 2003 and May 16, 2003. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared on Items b and c.

Kurt Schroeder

Superintendent of Central Inspection reviewed Item c and said the property is in County tax foreclosure -- there are five-years delinquent taxes. The property is open, has large holes in the roof, a rotted deck, interior damage, and Staff recommends proceeding with demolition.

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Mr. Arnold

Property owner asked for one-month deferral so the property could be auctioned and the new owner could make application to repair.

Motion --

Brewer moved that the public hearing be closed on all three properties; the resolutions declaring the buildings dangerous and unsafe structures be adopted; the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of June 17, 2003; (2) the structure(s) has/have been secured as June 17, 2003 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of June 17, 2003 and will be so maintained during renovation, be accepted. Motion carried 6 to 0. (Fearey absent)

-- carried

RESOLUTION NO. 03-312

Resolution finding that the structure described as: Lots 53-55, Stites now Grove Avenue, Stites Brothers Second Addition, Wichita, Sedgwick County, Kansas, commonly known as 617 North Grove, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-313

Resolution finding that the structure described as: Lots 26-28, Moore's Second Addition, to Wichita, Sedgwick County, Kansas, commonly known as 932 North Ohio, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 03-314

Resolution finding that the structure described as: Lot 7, Block 5, Builders First Addition, to Wichita, Sedgwick County, Kansas, commonly known as 2027 North Grove Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans

WORKFORCE

WORKFORCE ALLIANCE CONTRACT RENEWAL

Cathy Holdeman

City Manager's Office reviewed the Item.

Agenda Report No. 03-0642

The Workforce Investment Act (WIA) provides federal funds to enable local areas to establish unified workforce development systems and to provide workforce investment activities through those systems. The Workforce Alliance of South Central Kansas (WA) is the local board that provides policy direction for workforce investment activities in south central Kansas. The City of Wichita is presently designated as the local fiscal agent for the WIA funds.

At its July 2, 2002, meeting the City Council selected the Conlee Consulting Group as the provider of Executive Director and support services for the WA and authorized a three party contract totaling \$124,800, payable at a rate of \$10,400 per month, for those services. At its November 5, 2002, meeting the City Council authorized a contract amendment, which incorporated marketing and public relations services by the Conlee Consulting Group on behalf of the WA at an additional rate of \$4,000 per month. The amended contract expired on May 31, 2003.

The WA and the Regional Economic Area Partnership (REAP), which acts as the Local Elected Officials Board (LEOB) for this area, recommend that the contract be renegotiated to increase its scope

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of services and monthly management fee, and be renewed for a four-month period. During the contract extension period the Conlee Consulting Group will assist the WA and the REAP to revise their lines of authority and to accept responsibility as the grant recipient for federal workforce training funds in this area.

The Council is being requested to renew the contract with the Conlee Consulting Group for a four-month period at a renegotiated fee and increased scope of services.

Under the proposed renewal terms the Conlee Consulting Group will be paid at the rate of \$18,100 per month and reimbursed expenses for maintaining the WA Office, conducting meetings and travel approved by the WA Executive Committee during the four-month contract period. Management fees and WA expenses will not exceed \$90,650 during the contract period. The City will use federal WIA funds it receives to pay contract costs. The contract will not obligate general fund monies.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Mayans moved that the Contract be accepted, as recommended by the Workforce Alliance, and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

EMS

EMERGENCY MEDICAL SERVICES MEMORANDUM OF UNDERSTANDING.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 03-0463

The City and County have been engaged in negotiating a new interlocal agreement that will address issues and concerns relative to the emergency medical services provided to Wichita residents. The proposed Memorandum establishes a basis for the development of the interlocal agreement controlling emergency medical services with the City. That agreement, when complete, will require approval of the Attorney General, who by statute will have 90 days to review it. The current waiver of licensure requirements ends on July 1, 2003. Pending the review and approval of the agreement by the City Council, it is proposed that the ordinance pertaining to regulatory exemptions relating to ambulance service with the City be extended. The Memorandum, as a first step, outlines common goals and steps to formally process and evaluate services.

For Sedgwick County to (legally) provide emergency medical services beyond July 1, 2003, an extension of the City Council's December 10, 2002 action - extending Section 3.80.147 of the City Code. City and County staff is in the process of renegotiating the interlocal agreement providing for emergency medical services, as requested by the City Council. The extension of this exemption period will allow the City and County to complete its negotiations of a new interlocal agreement without the necessity implementing costly regulatory measures for to apply for only a short period of time.

Staff supports the extension request of Sedgwick County on the basis of the near completion of a new interlocal agreement controlling emergency medical services within the City of Wichita.

The County EMS has never been subject to City licensure requirements, dating back to 1974, as it has internally provided for equipment and staff safety checks. To apply regulatory measures would require inspections by an independent contractor. This would make short-term licensure a costly and unnecessary action.

The City Council has the option to extend the current regulatory exemptions or not. The extension is most easily granted by an amendment to the existing ordinance, as any new contract would require Attorney General approval under the Interlocal Cooperation Act, with its built-in delay for review and approval. The Law department has drafted the appropriate amendment to the ordinance to accommodate the transition period - Extending the provisions of 3.80.147, waiving the requirements of a certificate of public convenience and necessity along with the licensing and inspection requirements for a transitional period.

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- Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.
- Council Member Schlapp Council Member Schlapp asked that the process be expedited, perhaps by the City and County Managers working together, and the matter be moved along as fast as possible.
- Motion -- Mayans moved that the Memorandum of Understanding with Sedgwick County be approved; the necessary signatures be authorized; and the Ordinance which extends the exemption to the provisions of the City Code relating to ambulance licensure for a period of not to exceed three months be placed on first reading. Motion carried 7 to 0
- carried

ORDINANCE

An Ordinance amending Section 3.80.147 of the Code of the City of Wichita, Kansas, pertaining to extending, for a time certain, various regulatory exemptions relating to ambulance service within the City of Wichita, introduced and under the rules laid over.

CITY COUNCIL AGENDA

RESIDENCY REQ. DISCUSSION OF CHANGING RESIDENCY REQUIREMENTS FOR CITY BOARDS/COMMISSIONS. (REQUESTED BY COUNCIL MEMBER GRAY)

- Council Member Gray Council Member Gray said some of the City's residence restrictions for the Mechanical, Plumbers, Codes Standards and Appeals, and Electrical Boards may be too restrictive. Many of the contractors do a major part of their business within the City but do not live within the City. Often, their businesses are located and their employees live within the City.
- Council Member Gray stated that he would ask that Staff return with a change in the residency requirements for the four mentioned boards to match the residency requirements for City employees.
- Motion -- Gray moved that Staff return options for changing the residency requirements for the Mechanical, Plumbers, Codes Standards and Appeals, and Electrical Boards to match the residency requirements for City employees; with options for the number of members who would or would not have to live within city on each board (one idea not more than one-half of quorum). Motion carried 6 to 0. (Fearey absent)
- carried

APPOINTMENTS BOARD APPOINTMENTS.

- Motion -- Schlapp appointed Matt Hesse, Sarah DeVries, Jim Vossen, David Mollhagen, Marty Weeks, Tim Goodpasture, Martha Bruce Fair, Larry Frutiger, Joe Johnson – DAB II; and Bernard Hentzen - Board of Code Standards & Appeals; Dave Murfin - Wichita Airport Advisory Board; Peggy Brown - Wichita Area Sister Cities Board; and Dave Hanna - Wichita Employees Retirement Board, and moved that the appointments be approved. Motion carried 6 to 0. (Fearey absent)
- carried
- Motion -- Gray appointed Tom Engleman and Doug Leper – DAB IV; Sister Cities – Peggy Bennett, Public Building Commission - John Frazey, and moved that the appointments be approved. Motion carried 6 to 0. (Fearey absent)
- carried

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CONSENT AGENDA

Mayans moved that that the Consent Agenda be approved as consensus Items. Motion carried 6 to 0. (Fearey absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 16, 2003.

Bids were opened June 13, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Lateral 325 Four Mile Creek Sewer to serve Pine Meadow Addition - south of 13th Street North, east of Greenwich. (468-83376/743989/480677) Does not affect existing traffic. (District II)

Mies Construction - \$95,503.25

Northwind from the west line of Northshore Boulevard as platted in Ridge Port Addition, west to the east line of Northwind Circle; Northwind Circle from the west line of Northwind, west to and including the cul-de-sac; Hazelwood, from the north line of Northwind, north to the north line of the plat of Ridge Port Third Addition; Northshore Circle from the south line of Northwind, as platted in Ridge Port Addition, north and east to and including the cul-de-sac; Northwind Court from the south line of Northwind, south to and including the cul-de-sac; Sidewalk constructed on both sides of Northwind from the east line of Northshore Boulevard, west to the west line of Hazelwood, and on both sides of Hazelwood from the north line of Northwind, north to the north line of the plat to serve Ridge Port and Ridge Port Third Additions - north of 29th Street North, east of Ridge. (472-83772/765802 /490913) Does not affect existing traffic. (District V)

Ritchie Paving - \$205,923.35

Sheriac from Maple, north and west to the north line of Lot 20, Block C; Decker from the east line of Sheriac, east and north to the north line of Lot 23, Block D; Sheriac Circle (Lots 7 thru 20, Block C) from the westerly line of Sheriac to and including cul-de-sac; Decker Circle from the east line of Decker to and including cul-de-sac; Sidewalk on one side of Sheriac and Decker to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (472-83721/765794/490905) Does not affect existing traffic. (District V)

Cornejo & Sons Construction - \$249,767.45

2003 sanitary sewer reconstruction Phase 5 (various locations) - north of 47th Street South, east of Meridian. (468-83617/620379/663500) Traffic to be maintained during construction using flagpersons and barricades. (Districts 1,2,3,4)

WB Carter Construction - \$106,000.00

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Voice Wiring at Sewage Treatment Plant 2. (184754)

Vision Communications, Inc. - \$9,607.00 (Total net bid)

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Water distribution system to serve Ridge Port Addition and Ridge Port Third Addition - north of 29th Street North, east of Ridge. (448-89825/735130/470800) Does not affect existing traffic. (District V) - \$73,000.00
- b) 21st Street right turn lane to serve Messiah Baptist Church 4th Addition - north of 21st Street North, west of 127th Street East. (472-83558/765746/490857) Does not affect existing traffic. (District II) - \$178,200.00
- c) Lynette Woodard Tennis and Basketball Court Rehabilitation (2003 CDBG) - south of 21st Street North, east of Hydraulic. (472-83795/602528/602454/785037/800204/010181/602470) Does not affect existing traffic. (District I) - \$131,825.00
- d) Garrison water main replacement project - the area bounded by 13th Street, Ohio, 2nd Street, and Minnesota. (448-89414/634031/773202) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$1,200,000.00
- e) Storm Water Drain #200 to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (468-83597/751333/785224) Does not affect existing traffic. (District V) - \$190,050.00

Motion --
-- carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0. (Fearey absent)

PETITIONS

PETITION FOR STORM WATER SEWER TO SERVE REED'S COVE ADDITION AND REED COMMERCIAL ADDITION – SOUTH OF 21ST STREET, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0644

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide drainage improvements to a new residential and commercial development located south of 21st, east of 127th Street East.

The Petition totals \$125,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Fearey absent)

RESOLUTION NO. 03-315

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 591, (south of 21st Street, East of 127th Street East) 468-83656, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent)
Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

PETITION FOR STREET PAVING AND WATER DISTRIBUTION SYSTEMS TO SERVE REGENCY PARK ADDITION – NORTH OF 21ST STREET, WEST OF GREENWICH ROAD. (District II)

Agenda Report No. 03-0645

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The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water service to a new industrial park located north of 21st, west of Greenwich Road.

The Petitions total \$395,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0. (Fearey absent)

RESOLUTION NO. 03-316

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89846 (north of 21st Street, West of Greenwich Road), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-317

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89847 (north of 21st Street, West of Greenwich Road), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-318

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89848 (north of 21st Street, West of Greenwich Road), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-319

Resolution of findings of advisability and Resolution authorizing improving Regency Park from 190 feet west of the west line of Lot 5, Block 2 to the west line of Lot 4, Block 1 (north of 21st Street, West of Greenwich Road) 472-83802, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-320

Resolution of findings of advisability and Resolution authorizing improving 28th Street North from the west line of Lot 4, Block 1, to the west line of Greenwich Road (north of 21st Street, West of Greenwich Road) 472-83803, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

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PETITION FOR SANITARY SEWERS IN HAWTHORNE ADDITION – NORTH OF 21ST STREET, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0646

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer service to a new residential development located north of 21st, east of 127th Street East.

The Petitions total \$491,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0. (Fearey absent)

RESOLUTION NO. 03-321

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 13, Four Mile Creek Sewer (north of 21st Street, east of 127th Street East) 468-83508, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of 0000Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-322

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 13, Four Mile Creek Sewer (north of 21st Street, east of 127th Street East) 468-83509, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-323

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 12, Four Mile Creek Sewer (north of 21st Street, east of 127th Street East) 468-83511, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-324

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 12, Four Mile Creek Sewer (north of 21st Street, east of 127th Street East) 468-83512, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-325

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 13, Four Mile Creek Sewer (north of 21st Street, east of 127th Street East) 468-83514, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-326

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 12, Four Mile Creek Sewer (north of 21st Street, east of 127th Street East) 468-83515, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

PETITION FOR STREET PAVING AND WATER DISTRIBUTION SYSTEM TO SERVE THE WATERFRONT ADDITION – NORTH OF 13TH STREET, EAST OF WEBB. (District II)

Agenda Report No. 03-0647

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water service to a new office/retail development located north of 13th, west of Webb. The waterline will serve a new restaurant. The paving Petition increases the budget of a previously approved project to provide for the relocation of electric lines.

The Petitions total \$547,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0. (Fearey absent)

RESOLUTION NO. 03-327

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89845 (north of 135th Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-328

Resolution of findings of advisability and Resolution authorizing improving left and right turn lanes on 13th Street to serve the Waterfront Addition and adjacent tracts, including the relocation of electrical transmission lines, (north of 135th Street, east of Webb) 472-83699, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

EMER. SHELTER EMERGENCY SHELTER GRANT CONTRACTS.

Agenda Report No. 03-0648

On April 1, 2003 the City Council approved the final allocation for the Emergency Shelter Grant funding to be included in the City's annual 2003 Consolidated Plan one-year action plan. Allocations were approved following recommendations provided by the Grants Review Committee and the Community Council for Homeless Advocacy (CCHA). The funding assists a number of homeless

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agencies for operations, essential services and homeless prevention services. The total funding allocated for the Emergency Shelter Grant program for 2003 is \$131,000.00.

The contracts before the Council are for implementation of the Consolidated Plan homeless services activities. Housing Services is requesting approval of the 2003 ESG contracts as follows: 1) Catholic Charities, Inc. for the Anthony Family Shelter, in the amount of \$31,824, for operations, essential services and homeless prevention. 2) Catholic Charities, Inc./Harbor House, in the amount of \$7,189.00, for operations. 3) Inter-Faith Ministries Inc./Interfaith Inn, in the amount of \$25,323.00 for operations and essential services. 4) Inter-Faith Ministries Inc./Safe Haven, in the amount of \$10,834.00 for operations. 5) The Salvation Army Lodge \$23,278.00, for operations and essential services. 6) YWCA of Wichita, Inc. \$3,893.00, for operations. 7) United Methodist Urban Ministry of Wichita, Inc./Drop-In Center, in the amount of \$22,109.00, for operations and essential services. The contract period in all cases will be July 1, 2003 through June 30, 2004.

The Emergency Shelter Grant funding is provided under the Stewart B. McKinney Homeless Assistance Act through the U.S. Department of Housing and Urban Development. All agencies awarded funding for Emergency Shelter grants must provide an equal match in cash or in-kind contributions.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Fearey absent)

CENTRAL RAIL PROJ. CONSTRUCTION AND MAINTENANCE FOR THE CENTRAL RAIL PROJECT. **(District VI)**

Agenda Report No. 03-0649

In December 1995, the City of Wichita (and Sedgwick County) became aware of the Union Pacific (UP) Railroad's intention to increase train movements through Wichita. The UP's proposed merger with the South Pacific Railroad gave the UP the incentive to utilize its rail lines through Wichita as a north-south mainline between Texas and Wyoming (coal), as well as for grain shipments from Nebraska and other states to ports on the Gulf of Mexico. To implement the merger and the new routings, the UP had to receive approval of the Surface Transportation Board (STB).

Protests from Mayor and City Council against the proposed impact of increased train movements through the city were recognized by the STB as being legitimate and of concern. On August 12, 1996 the Federal Surface Transportation Board (STB) approved the merger of the Union Pacific and the Southern Pacific (SP) Railroads. As a result of that merger the UP proposed to increase the number of through trains per day from 4.5 to 10. In September 1996, the Board directed a comprehensive evaluation of Wichita's problem and possible mitigating actions the STB could require as a prerequisite to approval of the UP/SP merger.

In November 1997, meetings with UP officials began with the goal of negotiating a reasonable settlement that would eliminate the need for the STB to impose its minimal mitigation plan. Because of the impact of both major railroads causing traffic delays, safety concerns, delays to emergency vehicles, air pollution, and other environmental effects, the City of Wichita and Sedgwick County commissioned a study to develop and evaluate solutions to this problem. The study investigated the feasibility of constructing bypass routes around the Wichita metropolitan area, as well as potential improvements to the Central Rail Corridor such as grade separations and rail consolidation with the Burlington Northern Santa Fe (BNSF) railroad lines that also go through central Wichita. The recommendation of this study was that an elevated corridor should be constructed from Douglas Avenue, on the south end, to 17th Street North on the north end. Grade-separation will be provided at the following arterial streets: Douglas Avenue, 1st Street, 2nd Street, Central Avenue, Murdock Avenue, and 13th Street. Both the BNSF and the UPRR will use this facility for through trains.

The elevated rail corridor will be constructed in BNSF right-of-way. This agreement establishes the relationship between the City of Wichita, its Contractor, and the BNSF during the construction of the project. It also establishes maintenance responsibilities, once the project is completed.

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The Central Rail Corridor will be funded from the following sources: State System Enhancement Funds (\$44.7 million), Federal TEA-21 Funds (\$24.3 million) and Local Sales Tax Funds (\$30 million).

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Fearey absent)

VET SERVICES

VETERINARIAN SERVICES FOR WICHITA ANIMAL SHELTER.

Agenda Report No. 03-0650

The Environmental Health Department contracts with a private veterinarian for services performed at the Wichita Animal Shelter. These include routine veterinary care of animals at the shelter, emergency treatment of animals during office hours, consultations and training for staff. The contract veterinarian also furnishes, at cost, prescription veterinary medicine and supplies used by Animal Control Staff.

A Request for Proposal FP300027 was issued in March 2003 and sent to 29 vendors. Proposals were received in April and evaluated by staff (Finance and Environmental Health) in May 2003. Indian Hills Animal Clinic, the previous contractor, was the sole respondent to the City's Request for Proposal. The new contract will be for one year with options to renew under the same terms and conditions for two (2) additional one (1) year period by mutual agreement of both parties.

Indian Hills Animal Clinic proposed providing services for a flat monthly rate of \$950 (same amount as previous contract). There are sufficient funds budgeted in the approved 2003 budget for the contract.

The Law Department will approve the contract amendment as to form.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Fearey absent)

PLANTS SECURITY

WATER AND WATER TREATMENT PLANTS SECURITY.

Agenda Report No. 03-0651.

The delivery of water and sewer services are critical needs of the community. It is imperative that the utility continues to improve the necessary security for these critical public services.

As required by the EPA, a Vulnerability Assessment has been completed that identifies and evaluates security risks to the utility, along with the necessary improvements to reduce risks.

As a result of the assessment, Staff have identified several projects to improve the reliability of the utility and reduce known risks. These projects consist of improvements to the Water Treatment Plant (approved as a "design-build" project on November 5, 2002) and the Water Treatment Plant and Wastewater Treatment Plant 2 (approved as a "design-build" project by the City Council on December 10, 2002).

Utility Contractors was the only firm that submitted a proposal for the Water Treat Plant. The Staff Screening and Selection Committee authorized selection of Utility Contractors, Inc., on February 21, 2003. Proposals were received for Plant 2 from Suburban Landscape Management, Utility Contractors/MVP, and Wilson, Darnell, Mann/Complete Landscaping Systems, Inc. Based on the proposals, the Staff Screening and Selection Committee selected Utility Contractors/MVP on April 24, 2003.

The Water Treatment Plant contract amount is \$239,865. Funding is available in CIP W-903. Cost for the Plant 2 improvement is \$278,953. Funding is available in CIPs W-903 and S-542, Security Improvements.

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Motion --
-- carried

Mayans moved that the Contracts be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

CDBG/HOUSING

CDBG – COMMUNITY HOUSING SERVICES.

Agenda Report No. 03-0652.

During the CDBG program years 1995, 1996 and 1997, \$150,000 in CDBG funds was allocated to Community Housing Services for a revolving housing loan program targeted to the Northeast and North Central Local Investment Areas. The breakdown for each year was \$50,000 for administration costs and \$100,000 for the revolving loan program, totaling \$450,000 with \$300,000 available for loans. Program income from loan re-payments, in the amount of \$200,000 remains available to Community Housing Services for additional housing loans.

The contract between the City of Wichita and Community Housing Services of Wichita/Sedgwick County provides an agreement for the continued use of the existing revolving loan funds for home rehabilitation loans, home ownership loans and refinance/rehabilitation loans during the 2003/2004 CDBG program year.

The \$200,000 revolving loan fund budget plus any receipts from loan re-payments (program income) will enable the processing of approximately three to twelve additional rehabilitation loans in the Northeast and North Central Local Investment Areas during the term of this contract.

Motion --
-- carried

Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

CDBG/CATHOLIC CHARITIES

CDBG – CATHOLIC CHARITIES, INC.

Agenda Report No. 03-0653.

On March 4, 2003, the City Council allocated Community Development Block Grant (CDBG) funds for the 2003/2004 program year. Included in the 2003/2004 CDBG allocations were funds for a homeless services program. Proposals were procured through a competitive Request for Proposals.

The contract with Catholic Charities for Homeless Services provides assistance for prevention of homelessness. The contract stipulates that Catholic Charities will provide rent and utility assistance to a minimum of 240 low and moderate-income persons. The contract term is twelve months beginning July 1, 2003 and ending June 30, 2004.

The contract amount for Homeless Services is \$25,000 and is funded in the approved 2003/2004 CDBG budget.

Motion --
-- carried

Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

LAB ANALYSIS

LABORATORY ANALYSIS OF ENVIRONMENTAL SAMPLES – AMENDMENT.

Agenda Report No. 03-0654.

A Request for Proposal 1999-8 was issued and evaluated by staff in 1999. On June 29, 1999, the City Council authorized a contract from July 1, 1999 through June 30, 2001 with two (2) additional one-year periods under the same terms and conditions by mutual agreement of both parties.

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The City Council approved the current contract to Continental Analytical Services, Inc at the June 29, 1999 meeting. A contract amendment is proposed to change the contract period from June to January. The change will allow the department to budget for a fiscal year and not two partial years. In addition reporting will be based on a fiscal year and not two partial years. The contract amendment will be dated July 1, 2003 and expire December 31, 2003.

A new Request for Proposal will be issued in October 2003 for these services projecting a new contract date of January 1, 2004. The new contract will be brought back to City Council for approval.

The contract amendment terms may be achieved with no net increase to basic operational costs. There are sufficient funds budgeted in the approved 2003 budget for the contract amendment.

Motion -- Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Fearey absent)

WATERFRONT ADD. WATERFRONT ADDITION – NORTH OF 13TH STREET, EAST OF WEBB. (District II)

Agenda Report No. 03-0655.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in The Waterfront Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$65,670, and will be paid by special assessments.

Motion -- Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Fearey absent)

BRIDGES 2003 BRIDGES AND WATERLINE REPLACEMENT. (Districts I, III, and VI)

Agenda Report No. 03-0656.

The 2003 Capital Improvement Program includes funding for bridge, and waterline design projects. The Staff Screening and Selection Committee has selected design engineers for each project.

The projects to be designed, the design engineer, and the design fees are:

Lincoln Street Bridge at Arkansas River - MKEC, Inc. \$8,500
Garfield area Waterline Replacement (south of Kellogg, west of Seneca) -Young & Associates \$20,100
Grandview Heights area Waterline Replacement (south of Harry, east of Hillside) - Schwab-Eaton, P.A.
\$18,500
Magruder & Holland area Waterline Replacement (south of Lincoln, east of Arkansas River) - Schwab-Eaton, P.A. \$14,000

The bridge project budget is \$15,000. The funding source is General Obligation Bonds. The waterline projects are funded by the Water Utility.

Motion -- Mayans moved that the Contracts be approved and the necessary signatures be authorized; and the
-- carried Ordinance be placed on first reading. Motion carried 6 to 0. (Fearey absent)

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ORDINANCE

An Ordinance declaring the Lincoln Street Bridge at the Arkansas river (472-83747) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CMF

CENTRAL STORES AT THE CENTRAL MAINTENANCE FACILITY REMODEL INTO FIRE MAINTENANCE AMENDMENT. (District IV)

Agenda Report No. 03-0657.

On March 18, 2003, the City Council authorized the budget transfer to provide a total of \$500,000 in funding for remodeling a portion of the Central Stores area of the Central Maintenance Facility in 2003. This remodeled area would house the Fire Maintenance shop which would be moved from its current location at 501 S. Topeka. The architectural firm of Schaefer Johnson Cox Frey (SJCF) was selected from a group of applicants. On September 5, 2002, the City Council approved a contract, not to exceed \$10,000, with SJCF for professional services to coordinate with engineering consultants already contracted by the City to develop a schematic design for remodeling a portion of Central Stores into Fire Maintenance.

Additional professional services are needed for SJCF to further develop their schematic design, produce a set of drawings and specifications for bidding the work, and provide contract administration and field observation services during construction. This expansion of the scope of work beyond what was included in their original contract requires that a Contract Amendment be executed.

The total cost of the work included in this Contract Amendment will not exceed \$26,500.00, and will be paid from project funds.

Motion --
-- carried

Mayans moved that the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

SANITARY SEWER

CHANGE ORDER – SANITARY SEWER MAIN TO SERVE AN AREA NORTH OF 29TH STREET NORTH, WEST OF TYLER. (District V)

Agenda Report No. 03-0658.

On December 17, 2002, the City Council approved a construction contract to extend a sanitary sewer main into an area north of 29th Street North, west of Tyler. The service area contains rapidly developing properties that are being annexed into the City of Wichita. The owner of a large tract of land on the north side of 29th, between Maize Road and Tyler donated an easement for the project. The land has since been platted into a residential subdivision. The developer has requested that the pipeline alignment be modified to accommodate the new lot layout.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$96,942, with \$86,780 assessed to the improvement district and \$10,162 paid by the Sewer Utility.

Motion --
-- carried

Mayans moved that the Change Order be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

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N.E. BASEBALL

NORTHEAST BASEBALL COMPLEX. (District II)

Agenda Report No. 03-0659

In December 1995, the Northeast Baseball Association (NBSA) proposed a partnership with the City of Wichita, Parks and Recreation Department to develop a Northeast Baseball Complex.

On March 3, 1998, the City Council approved acquisition of a 60-acre site located near 29th Street North and Greenwich Road for a baseball complex. The complex initially would consist of four fields and would have ten fields when completed.

On September 11, 2001, the City Council approved the project and authorized Staff to select a design consultant to prepare Schematic Design concepts for the initial four fields.

On March 5, 2002, the City Council approved a Contract with McCluggage Van Sickle and Perry Corporation (MVP) to provide for Schematic Design concepts for the initial four fields. This phase of the design work is complete.

On March 25, 2003, the City Council approved the construction of one of the four baseball fields and site and utility improvements for the four field complex. They also authorized staff to work with McCluggage Van Sickle and Perry Corporation (MVP) to complete the Design Development, Construction Documents, Bidding, and Construction Administration Phases for the one field and the Design Development and Construction Documents for the remaining three fields.

Staff has negotiated a Contract Amendment with McCluggage Van Sickle and Perry Corporation (MVP) to complete the remaining architectural and engineering work related to the four field complex. Design services will be provided for a single stipulated lump sum fee (including reimbursable expenses) of one hundred thirty nine thousand four hundred fifteen dollars (\$139,415.00)

The project is authorized in the 2002 – 2011 Capital Improvement Program (CIP) at \$1 million dollars. The funding source is General Obligation Bonds. (Project No. 435322, OCA No. 792352)

Motion --
-- carried

Mayans moved that the Resolution be adopted, the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

RESOLUTION NO. 03-329

A Resolution amending Section 2 of Resolution No. 01-365 relating to the design and construction of baseball and softball facilities in the area of 29th Street North and Greenwich Road and issuing General Obligation Bonds of the City to pay all or a portion of the costs thereof, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

PAYMENT

PAYMENT OF CLAIM.

Agenda Report No. 03-0661

On March 29, 2003, the City's newly installed pump station near 21st Street North and 119th Street West failed and there was a significant sewer back-up in several homes in the Teal Brook Addition which is located just south of 21st Street North and about ½ mile west of 119th Street West. The failure of the pump station to operate properly was either a failure of the computer control system or some other mechanical failure.

The City is ultimately responsible for this failure. Further investigation may reveal that the fault is that of the City's contractor or one of its subcontractor's who recently installed the pump station and its control facilities. The Pringle claim is for damage to personal property caused by the sewer back-up.

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The City hired an independent adjuster to evaluate the more significant elements of the Pringle claim. The adjuster has substantiated \$11,605.87 as fair compensation for this loss.

The claim will be paid by the Water and Sewer Utility.

The City is responsible for the back-up and the consequent property loss in the Teal Brook Addition. The Law Department recommends payment of \$11,605.87 as fair compensation for the Pringle claim.

Motion --
-- carried

Mayans moved that payment for Ben and Kim Pringle's damages in the amount of \$11,605.87, be authorized. Motion carried 6 to 0. (Fearey absent)

FLIGHTSAFETY

EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - FLIGHTSAFETY INTERNATIONAL. (District V)

Agenda Report No. 03-0662

On December 18, 2001, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$32,500,000, and a 100% five-plus-five year tax abatement on property purchased with bond proceeds to FlightSafety International. The proceeds of the bonds were used to acquire and install additional flight simulators and related equipment at the Flight Safety International Training Center located at 1851-1951 Airport Road. The Wichita Airport Authority on the same day approved a six-month Letter on Intent to FlightSafety for the issuance of Special Airport Facilities revenue Bonds in an amount not-to-exceed \$2.5 million. The bond proceeds will be used to finance construction of a building expansion at the FlightSafety International Center.

On June 18, 2002 and November 19, 2002, the City Council approved six-month extensions to the term of the Letter of Intent. Of the second request, the extension will expire on June 18, 2003. FlightSafety has requested an additional six-month extension of the Letter of Intent.

FlightSafety has requested the extension because construction of the project is nearly complete; however, it does not appear that certain flight simulators will be delivered prior to the date the Letter of Intent expires. The company is requesting an additional extension of six-months of the Letter of Intent until December 18, 2003.

There is no financial impact on the City resulting from the requested extension.

Bond documents required for the issuance of the bonds will be prepared by Hinkle Elkouri Law Firm, L.L.C., Bond Counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion --
-- carried

Mayans moved that the extension of the Letter of Intent to FlightSafety International for Industrial Revenue Bonds in an amount not-to-exceed \$32,000,000 million for an additional six months ending December 18, 2003.

REDEVELOPER

DESIGNATION OF REDEVELOPER FOR NORTH PORTION OF LOT 7, BLOCK 2, BRIDGEPORT INDUSTRIAL PARK FIRST ADDITION. (District IV)

Agenda Report No. 03-0663

In the late 1970's, the City of Wichita determined that there was insufficient industrial land available. To meet this need, the City purchased land near 37th Street North and Ohio under the Urban Renewal Act and redeveloped the area as the Bridgeport Industrial Parks. A significant portion of the parks have been sold over time. An offer has been received for one of the remaining tracts from Hospitals of Hope, Inc. They wish to acquire a 45,124 square foot tract and construct a 10,000 square foot distribution and warehouse facility. The tract in question is located on the west side of Santa Fe between 34th and 35th Streets.

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Hospitals of Hope has offered \$.90 per gross square foot for the site. There have been no recent offers on the property. Larger lots, 5 to 7 acres in Bridgeport III were recently appraised at \$.75 per square foot. The southern part of this parcel sold for .79 per square foot in 1998.

The City will receive cash from the sale. After the City's costs of selling, advertising and closing costs are paid, the remainder will go to the City's CDBG program in accordance with HUD regulations.

Motion --
-- carried

Mayans moved that the designation, budgets and Contracts be approved; and that the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

PROPERTY DISP.

SURPLUS PROPERTY DECLARATION – 1601-1607 NORTH TOPEKA. (District VI)

Agenda Report No. 03-0664

This property is located at 1601 –1607 North Topeka. The 14,000 square foot site is presently vacant. Zoning for area is General Commercial, which allows for single family residential development. Property was obtained in a trade for surplus land with the intent of corridor preservation of residential uses.

All City departments have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Motion --
-- carried

Mayans moved that the property be declared as surplus and designated as being available for sale to the general public. Motion carried 6 to 0. (Fearey absent)

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 03-0665

On June 2, 2003 the Board of Code Standards (BCSA) held a hearing on the following four (4) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a) 131 South Kessler	IV
b) 3054 North Park Place	VI
c) 1064 North Lorraine	I
d) 942-944 North Glendale	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --
-- carried

Mayans moved that the Resolutions be adopted setting these matters on the agenda for a Hearing before the Governing Body on August 5, 2003, at 9:30 a.m. or as soon thereafter. Motion carried 6 to 0. (Fearey absent)

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RESOLUTION NO. 03-330

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the Owner, his agent, lienholders of record, and occupants of property legally described as: north 63 ½ ft., Lot 11, Kessler Park Addition, Wichita, Sedgwick County, Kansas, known as 131 South Kessler, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Ayes: Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-331

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the Owner, his agent, lienholders of record, and occupants of property legally described as: Lots 1-2, Block 27, Jones Park Addition Addition, Wichita, Sedgwick County, Kansas, known as 3054 North Park Place may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Ayes: Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-332

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the Owner, his agent, lienholders of record, and occupants of property legally described as: Lots 6-8, Lorraine Avenue, Woodridge Place Addition, Wichita, Sedgwick County, Kansas, known as 1064 North Lorraine, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Ayes: Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-333

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the Owner, his agent, lienholders of record, and occupants of property legally described as: Lot 3, Block 2, East Highland North Addition, Wichita, Sedgwick County, Kansas, known as 942-944 North Glendale, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Ayes: Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 10, 2003)

- a) Lot cleanup.

ORDINANCE NO. 45-740

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Sidewalk repairs.

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ORDINANCE NO. 45-741

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

c) Building condemnations.

ORDINANCE NO. 45-742

An ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

d) Amendment to Ordinance Levying Assessments.

ORDINANCE NO. 45-743

An Ordinance amending Ordinance No. 45-646 of the City of Wichita, Kansas, levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 37th Street North to serve Ridge Port North Addition (490-800/472-83114/765689), read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

e) ZON2003-15 - north side of 29th Street North. (District V)

ORDINANCE NO. 45-744

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

PLANNING AGENDA

Dale Miller Director of Planning stated that the Planning Agenda could be considered as consensus, except Item 34, unless the Council desired to withhold other Items.

Motion -- Mayans moved that the Planning Agenda, except Item 34, be approved as consensus Items. Motion
-- carried carried 6 to 0. (Fearey absent)

VAC2003-00015 **VAC2003-00015 – VACATE PORTION OF PLATTED EASEMENT – SOUTHWEST OF THE DOUGLAS/TYLER ROAD INTERSECTION – 9119 AND 9115 WEST DOUGLAS AND 118 SOUTH ARCADIA. (District V)**

Agenda Report No. 03-0666

The applicants are requesting consideration for the vacation of the platted 20-foot utility easement as recorded on Lots 1, 2 & 4, Berlin Addition. The applicants propose future use of their properties including building a swimming pool, on Lot 2. The Berlin Addition was recorded with the Register of Deeds February 4, 1992.

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There is no water or sewer in the easement proposed for vacation. Because of the proposed development of the property and the properties adjacent to it there will be no need for the easement to be used for any future water or sewer lines. There are no private utilities in the easement and there will be no need for the easement to be used for any future water private utilities.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Fearey absent)

VAC2003-00017

**VAC2003-00017 – VACATE PLATTED EASEMENT – NORTHEAST OF THE 21ST STREET
NORTH/127TH STREET EAST INTERSECTION – 2418 AND 2422 PECKHAM STREET.
(District II)**

Agenda Report No. 03-0667

The applicant is requesting consideration for the vacation of the platted 20-foot utility and drainage easement as recorded on Lots 20 & 21, Block 2, Hawthorne Addition. The applicant proposes future use of the land. The Hawthorne Addition was recorded with the Register of Deeds March 18, 1985.

There is no water or sewer in the easement proposed for vacation. Because of the proposed development of the property and the properties adjacent to it there will be no need for the easement to be used for any future water or sewer lines. Public Works has confirmed the relocation of the storm water drain from this site to between Lots 19 & 20, Block 2, Hawthorne Addition. There are no private utilities in the easement and there will be no need for the easement to be used for any future water private utilities.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the Vacation Order be approved and the necessary signatures be authorized.
Motion carried 6 to 0. (Fearey absent)

SUB2001-81

**SUB2001-81 – PLAT OF ECK TENTH ADDITION – NORTHWEST CORNER OF 183RD
STREET WEST AND CENTRAL.**

Agenda Report No. 03-0668

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (14-0)

This site contains 30 lots (148 acres) and is located in the County within three (3) miles of Wichita's city limits.

Petitions, all 100%, have been submitted to the City for future sanitary sewer and water improvements. A Certificate of Petitions has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the document and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Fearey absent)

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RESOLUTION NO. 03-334

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89777 (north of Central, west of 183rd Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-335

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Northwest Interceptor Sewer (north of Central, west of 183rd Street West), 468-83582, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. SUB2001-81

SUB2003-31

SUB2003-31 – PLAT OF THE FAIRMOUNT SECOND ADDITION – WEST SIDE OF 127TH STREET EAST, NORTH OF 21ST STREET NORTH. (District II)

Agenda Report No. 03-0669

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This unplatted site consists of one lot (13.8 acres) and is located within the City of Wichita. A zone change has been approved (ZON 2002-02) from “SF-5” Single-Family Residential District to “MF-18” Multi-Family Residential District subject to platting.

Petitions, 100%, has been submitted for sanitary sewer and paving improvements.

As requested by the City Fire Department, a Restrictive Covenant has been provided for an emergency access easement to Woodbridge.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petitions and Restrictive Covenant for an Emergency Access Easement will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the document and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Fearey absent)

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RESOLUTION NO. 03-336

Resolution of findings of advisability and Resolution authorizing improving of Lateral 351, Four Mile Creek Sewer, (west of 127th Street East, north of 21st Street), 468-83626, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-337

Resolution of findings of advisability and Resolution authorizing improving left turn bay improvements on 127th Street East to serve Camiden Chase, (west of 127th Street East, north of 21st Street), 472-83767, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. (ZON 2002-02)

SUB2002-110

SUB2002-110 – PLAT OF CORNEJO EAST ADDITION – NORTH OF CENTRAL, EAST SIDE OF WEBB ROAD. (District II)

Agenda Report No. 03-0670

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

The site consisting of one lot (1.81 acres) has been approved for a zone change (ZON 2002-33) from “SF-5” Single-Family Residential District to “GC” General Commercial District, subject to platting. This site is located within the city limits.

Petitions, all 100%, have been submitted for sanitary and paving improvements. A Certificate of Petitions was provided. A Drive Approach Closure Certificate was submitted to guarantee the closure of a drive required by access control being dedicated by this plat.

Since, this site is located within the noise impact area of Jabara Airport, both an Avigational Easement and Restrictive Covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, Drive Approach Closure Certificate, Avigational Easement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the document and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Fearey absent)

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RESOLUTION NO. 03-338

Resolution of findings of advisability and Resolution authorizing improving of Lateral 160, War Industries Sewer, (north of Central, East of Webb), 468-83609, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-339

Resolution of findings of advisability and Resolution authorizing improving Chamberlin Street from the east line of Webb Road to the east line of the Plat, (north of Central, East of Webb), 472-83741, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. (ZON2002-33)

SUB2003-34

SUB2003-34 – PLAT OF LAUREL’S ACRES – SOUTH OF 21ST STREET NORTH, WEST SIDE OF 119TH STREET WEST.

Agenda Report No. 03-0671

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This unplatted site contains 1 lot (5.04 acres) and is located within the City of Wichita.

A Petition for sanitary sewer improvements, 100%, has been submitted for future sanitary sewer. A Certificate of Petition has been provided. A No-Protest Agreement for the paving of Eberly Court has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition and No-Protest Agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 6 to 0. (Fearey absent)

RESOLUTION NO. 03-340

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Northwest Interceptor Sewer (south of 21st Street, west of 119th Street West), 468-83657, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. (Fearey absent) Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans.

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ZON2003-00024

ZON2003-00024 – ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO GENERAL OFFICE WITH A PROTECTIVE OVERLAY – NORTHWEST CORNER OF VASSAR AND CENTRAL AVENUES. (District I)

Agenda Report No. 03-0672

MAPC Recommendation: Approve, “GO” General Office and subject to Protective Overlay #128 conditions and replatting within one-year. (11-0-1)

Staff Recommendation: Approve “GO” General Office and subject to Protective Overlay #128 conditions and replatting within one-year.

D.A.B. Recommendation: Approve, GO” General Office and subject to Protective Overlay #128 conditions and replatting within one-year. (8-0)

The applicant requests a zone change from “TF-3” Two-Family Residential to “LC” Limited Commercial on Lots 21, 23, 25, 27, 29, 31, 33 a portion of 35, Reserve B, and what used to be Reserve A (see legal), Grandview Terrace Addition. The subject properties are located on the northwest corner of the Vassar Avenue – Central Avenue intersection. Starting at the intersection and going east the properties are developed with a brick, two-story duplex and four (4), one-story wood frame single-family residences. The structures appear to be vacant and in poor condition. The applicant proposes restricted “GO” uses and redevelopment of the property.

One block west and southwest of the site are several ongoing current developments. These include, northwest of the Central – Hillside intersection, the expansion of the Wesley Hospital complex, which is the dominant development of the area. This development is occurring primarily along Central Avenue and east of Vassar. Southwest of the Central – Hillside intersection, development is occurring in the form of PUD01-02. Proposed uses include a multi-story office building, freestanding retail and a neighborhood shopping center restaurants; hotel or motel, hospital, medical service, personal care and improvement service, bank or financial institution, ATM, and day care. Immediately southwest and west of the site existing non-residential development includes a bank with a drive through, a dentist office, office buildings and a Ronald McDonald House. Development north, south and east are overwhelmingly single family residential with some duplexes along Central mixed with the single family residential. The Sleepy Hollow residential neighborhood abuts the site on the north and the College Hill residential neighborhood lies south of the site across Central. Edgemont and Sleepy Hollow Drive are cul-de-sacs, put in to prevent hospital traffic from splitting off of Vassar, (a four-lane street from Central to Murdock, designed to bring hospital traffic into the Wesley complex) and into the Sleepy Hollow residential neighborhood.

Any development on the subject property will be required to meet screening, compatibility standards and landscaping. For any proposed development, screening, buffer landscaping and compatibility standards will be required for the residential properties to the north, east and south. Existing vegetation on the subject property that is left in place after the development of the site can be used to satisfy the buffer landscaping requirement. Access control would be reviewed, by the Traffic Engineer, according to the redevelopment of the site, including access control and cross lot access. The existing individual drives for the existing residences on the site would be closed, by the access control, with continuous curb according to City Standards.

Prior to the MAPC hearing on May 22, 2003, the applicant agreed with Staff that the originally requested zoning of “LC” Limited Commercial was inappropriate for this site. Staff preferred “NO” Neighborhood Office zoning for the site. The applicant offered “GO” zoning with a “PO” Protective Overlay. Staff felt the “GO” zoning with the “PO” was a compromise that would work and the applicant agreed to “GO” zoning with the “PO”. No one spoke against the requested zoning change at the MAPC meeting and Staff has not received any calls or written protest against the requested zoning change. The MAPC voted (11-0-1) to approve the request subject to replatting within a year and “PO” #128.

1. Allow all those uses permitted by right in the “GO” zoning district with the following uses prohibited: manufactured home, group residence (general and limited), correctional placement residence (limited and general), cemetery, group home (limited, general, commercial),

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- hospital, schools (elementary, middle, and high), broadcast and recording studios, funeral home, hotel-motel, marine facility (recreational), animal care (limited and general), heliport, personal improvement services, printing and coping limited, vocational schools, warehouse self-service, wireless communication facilities, funeral home, recycling collection station (private) and all industrial, manufacturing and extractive uses.
2. Meet all landscaping, screening, lighting, compatibility and buffering requirements, per the UZC and the Landscaping Ordinance, including one shade tree or the equivalent every 20 feet along the edge(s) of the development. Existing vegetation on the subject property that is left in place after the development of the site can be used to satisfy the buffer landscaping requirement.
 3. Design and materials used in the development of the site will be compatible with the immediate residential and the current development of PUD2001-02.
 4. Height restriction of 35 feet.

DAB I considered and approved the request for “GO” zoning, with “PO” #128 and subject to replatting within a year (8-0) at their June 6, 2003 meeting. No one spoke against the requested zoning change request at the DAB I meeting and Staff has not received any calls or written protest against the requested zoning change.

Motion --

-- carried

Mayans moved that the Council concur with the findings of the MAPC and approve the zone change subject to the provisions of Protective Overlay District #128 and requiring platting within a year and that the Planning Department be instructed forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. (Fearey absent)

(Item No. 34)

**CUP2003-00024
– DP151**

CUP2003-00024 – DP151 AMENDMENT NO. 3 – AMENDMENT TO THE DUGAN CENTRE COMMUNITY UNIT PLAN – SOUTH OF TAFT, WEST OF DUGAN. (District V)

Agenda Report No. 03-0673

MAPC Recommendation: Approve, subject to revised staff condition and recommendations (12-1).

Staff Recommendation: Approve, subject to conditions.

D.A.B. Recommendation: Approve, subject to staff recommendations but with no change in permitted uses (3-2)

The applicant is requesting to amend Parcel 3A of DP-151 The Dugan Centre Community Unit Plan. The applicant proposes to amend Parcel 3A to increase maximum building coverage from 21 percent to 30 percent, the gross floor area from 21 percent to 32 percent, the maximum number of buildings from three to six buildings. The applicant is also proposing to reduce the building setback on Taft from 100 feet to 35 feet. Uses allowed would be all permitted uses in “GC” General Commercial except the following: correctional placement residences, day reporting center, group home, night club, sexually oriented businesses, tattooing and body piercing, tavern or drinking establishment and vehicle storage yard.

The property is zoned “GC” General Commercial. Uses currently permitted are recreation center, financial institution, motel/hotel, offices, office warehousing, retail/wholesale business, miniature golf facility, and automotive agencies. This is an unusual list. It omits all residential and public/civic uses.

The requested change would permit all uses classified by the Unified Zoning Code as “residential”. It would permit all uses classified as “public and civic” except correctional placement residences and group homes. Although the applicant’s request included day reporting center as a prohibited use, but this is always prohibited in the “GC” zoning district.

Additional “commercial” uses that would be allowed are: animal care, limited and general; broadcast/recording studio; car wash; convenience store; funeral home; kennel, hobby or boarding, breeding and training; marine facility; microbrewery; monument sales; nurseries and garden center; pawn shop; personal care service; personal improvement service; post office substation; printing and copying; recreational vehicle campground; restaurant; riding academy or stable; secondhand store;

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service station; vehicle repair, limited and general (body shop allowed); vocational school; and warehouse, self-service storage.

Additional “industrial, manufacturing and extractive” uses would be: manufacturing, limited and general; research services; outdoor storage; welding or machine shop.

No changes are proposed for parking and sign requirements.

The subject tract is positioned between two distinctively different areas, and serves as the buffer zone. The area to the north is zoned “SF-5” Single-family residential as the Westerlea Village Addition. The area to the south is zoned “GC” General Commercial and developed with large-scale big box commercial uses.

Staff recommendation eliminated those uses considered more intense and less suitable to being in close proximity to residential use. Staff recommendations also included realigning access points across from the existing streets to minimize light glare from the development to the residential neighborhood and architectural compatibility, and exterior metal facades on the north, east and west elevations visible from the neighborhood. The specific staff recommendations were:

1. The platted 100-foot setback shall be vacated as a condition of approval.
2. The access points shall be aligned with Howe Road and Fairhaven Road.
3. Proposed uses: Those permitted by-right in the “GC” General Commercial district, except the following: correctional placement residences, limited and general; group home, limited, general and commercial; animal care, general; broadcast/recording studio; car wash; convenience store; funeral home; kennel, hobby or boarding, breeding and training; marine facility; microbrewery; monument sales; night club in the city; nurseries and garden center; pawn shop, recreational vehicle campground; riding academy or stable; secondhand store; service station; sexually oriented businesses; tattooing and body piercing facility; tavern or drinking establishment; vehicle repair, limited and general (body shop allowed); vehicle storage yard; vocational school; warehouse, self-service storage; manufacturing, limited and general; research services; outdoor storage; welding or machine shop. Restaurants shall be permitted in accordance to the Unified Zoning Code Art. III, Sec. III-D.6. t.
4. If the service area or the rear of buildings face directly or are visible from Taft, a screening wall of six to eight feet in height of masonry, concrete or similar material, not including wood or woven wire, shall be provided to sufficiently hide the service area or rear of the buildings from view in addition to the 20-foot landscape buffer.
5. All buildings on the parcel shall share uniform architectural character, color, texture, and the same predominant exterior building material as determined by the Planning Director. Building walls and roof must have predominately earth-tone colors, with vivid colors limited to incidental accent, and metal shall not be used as the predominate exterior building material on the north, east or west elevation.
6. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
7. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
8. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

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At the MAPC hearing held May 22, 2003, the agent for the applicant submitted requested changes to staff recommendations. The agent requested some of the more intense uses recommended for elimination by staff to be permitted. These were: carwash; funeral home; monument sales; nurseries and garden center; secondhand store; vehicle repair, limited and general with body shop allowed) manufacturing, limited and general; research services, welding or machine shop; and restaurants with drive-in or in-car service and no limits on size of restaurants. The agent also requested allowing metal on all building facades and not requiring access points across from the existing streets. MAPC voted (12-1) to approve subject to the agent's requests with one modification. Manufacturing was to be restricted to manufacturing, limited subject to Unified Zoning Code "LC" supplemental use requirements.

The District V Advisory Board considered this request subsequently on June 2, 2003. There were neighborhood residents present to speak at the hearing. A first motion to approve subject to staff's original recommendation died for lack of a second. A motion was approved (3-2) to recommend the amendment subject to staff recommendation but with the additional condition of no change to permitted uses currently allowed by the C.U.P.

Protests have been received from residents representing 20 percent. This will require the vote of 3/4th majority vote, or 6 of 7 council members, to approve the amendment.

Motion --
-- carried

Martz moved that this Item be deferred until the July 1, 2003, City Council Meeting. Motion carried 6 to 0. (Fearey absent)

A03-14

A03-14 – ANNEX LAND AT THE SOUTHWEST CORNER OF 13TH STREET NORTH AND 135TH STREET WEST. (District V)

Agenda Report No.03-0674

The City has received a request to annex 5.44 acres of land situated at the southwest corner of the intersection of 13th Street North and 135th Street West. The site abuts the City of Wichita to the south and west. The property owner has received prior platting and zoning approval to develop the site for Limited Commercial uses. The property owner anticipates that the site will be fully developed for commercial uses in 10 years. A condition of a recent replatting approval granted for this site is annexation into the City of Wichita.

Analysis: Land Use and Zoning: The annexation area is presently in agricultural use, and zoned "LC" Limited Commercial. Lands adjoining the proposed annexation parcels to the north are also zoned "LC" Limited Commercial. Lands to west, south and southeast have recently been platted for residential development and are zoned "SF-5" Single Family Residential. Lands to the east are in agricultural use and zoned "SF-20" Single Family Residential.

Public Services: Wichita water and sanitary sewer service is readily available to the annexation area (8" sewer lines with a 12" water supply line along 13th Street North, and a 20" water line along 135th Street West).

Street System: The property requested for annexation has access to 13th Street North (two-lane unpaved road) that serves the area as the nearest east-west arterial road, and 135th Street West (two-lane unpaved road) that serves the area as the nearest north-south arterial road. As part of previous platting requirements from property developers in this area, 13th Street North from approximately ¼ mile west of 135th Street West to ½ mile east of 135th Street West is to be paved to County standards. There are also plans for sub grade modification and bituminous surfacing of 13th Street West in the Sedgwick County 2002-2006 C.I.P.

Public Safety: Under the City-County first response agreement, fire services to this site currently can be provided within a fourteen (14) to fifteen (15) minute approximate response time from City Fire Station #16 located at 1632 N. Tyler Road or from City Fire Station #17 located at 10651 West Maple. However, the City Fire Department reports that a new fire station will be completed near 135th Street West and 21st Street North in 2007, which will significantly reduce response time to the annexation

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area. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Swanson Park, a 93 acre park, is located approximately 2.5 miles east of the proposed annexation site. A bike pathway is proposed along 13th Street North in the 1996 Parks and Open Space Plan.

School District: The annexation property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation properties is \$1,030 with a total assessed value of \$309. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$10 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$3,800,000 for commercial use when development is completed, resulting in an assessed value of \$950,000. Assuming the current City levy remains about the same, this would roughly yield \$29,836 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Mayans moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Fearey absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A03-14

AIRPORT AGENDA

AIRPORT

EXTENSION OF LETTER OF INTENT FOR SPECIAL AIRPORT FACILITIES REVENUE BONDS – FLIGHTSAFETY INTERNATIONAL.

Agenda Report No. 03-0675

On December 18, 2001, the City Council approved a six-month Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$32,500,000, and a 100% five-plus-five year tax abatement on property purchased with bond proceeds to FlightSafety International. The proceeds of the bonds were used to acquire and install additional flight simulators and related equipment at the Flight Safety International Training Center located at 1851-1951 Airport Road. The Wichita Airport Authority on the same day approved a six-month Letter on Intent to FlightSafety for the issuance of Special Airport Facilities revenue Bonds in an amount not-to-exceed \$2.5 million. The bond proceeds were used to construct a building expansion at the FlightSafety International Center.

On June 18, 2002 and November 19, 2002, the Airport Authority approved six-months extensions to the term of the Letter of Intent. Of the second request, the extension will expire on June 18, 2003. FlightSafety has requested an additional six-month extension of the Letter of Intent.

FlightSafety has requested the extension because construction of the project is nearly complete; however, it does not appear that cost and expenses associated will be finalized prior to the date of the Letter of Intent expires. The company is now requesting an additional extension of six-months of the Letter of Intent until December 18, 2003.

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There is no financial impact on the Airport Authority resulting from the requested extension.

Bond documents required for the issuance of the bonds will be prepared by Hinkle Elkouri Law Firm, L.L.C., Bond Counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion --

-- carried

Mayans moved that the extension of the Letter of Intent to FlightSafety International for Airport Special Facilities Revenue Bonds in an amount not-to-exceed \$2.5 million for an additional six months ending December 18, 2003, be approved. Motion carried 6 to 0. (Fearey absent)

AIRPORT

TAXIWAY "N" CONSTRUCTION – AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION.

Agenda Report No. 03-0676

On June 3, 2003 the City Council approved the construction bid of Ritchie Paving for Taxiway "N". The award was approved pending Federal Aviation Administration (FAA) approval and funding.

Staff has prepared a grant application for these funds to submit to the FAA.

The Airport is requesting that \$7,227,338 in AIP funds be directed for this purpose. The Airport's responsibility of \$1,006,755 will ultimately be funded with Passenger Facility Charges and airport revenue.

Motion --

-- carried

Mayans moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Fearey absent)

ADJOURNMENT

The City Council meeting adjourned at 10:51 a.m.

Pat Graves CMC
City Clerk